IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION No. 24090 of 2004

Between:

Remalli Vijayababu S/o.Das
Mandavalli Mandal, Krishna District. ..... PETITIONER

AND

1 The Govt. of Andhra Pradesh Dept. of Panchayat Raj
Rep. by its Principal Secretary Secretariat Buildings, Hyderabad.
2 The District Collector (Panchayat Wing) Machilipatnam,
Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the orders in R.K.No.2353/2003-15 Dt.29.11.2004 issued by the 2nd respondent as contrary to law, against the principles of natural justice and arbitrary.

Counsel for the Petitioner: Mr.VENKATESWARLU POSANI

Counsel for Respondents : G.P. FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:

Assailing the proceedings dated 29.11.2004, passed by the second respondent, placing the petitioner under suspension for a period of three months, the present writ petition is filed.

The petitioner is Sarpanch of Singanapudi Gram Panchayat, Mandavalli Mandal, Krishna district. By the impugned proceedings dated 29.11.2004, the second respondent in exercise of the powers conferred under Section 249(6) of the A.P. Panchayat Raj Act, 1994, placed the petitioner under suspension, for a period of three months on certain irregularities, said to have been committed by him and also for misappropriation of Gram Panchayat funds.

Heard the learned counsel for petitioner and the learned Government Pleader for Panchayat Raj.

The learned Government Pleader for Panchayat Raj submitted that as against the impugned order passed by the second respondent, an effective alternative remedy by way of revision under Section 264 of the A.P. Panchayat Raj Act, 1994 is available to the petitioner before the Government.

Since the petitioner has got effective alternative remedy by way of revision before the Government, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner is permitted to avail the remedy of revision available to him against the impugned order under Section 264 of the A.P. Panchayat Raj Act, 1994 before the first respondent-Government, within two weeks from today, along with an application for stay. On filing such revision, the revisional authority-Government is directed to consider and dispose of the revision or pass appropriate orders on the application for stay. For a period of four weeks, there shall be stay of the impugned order dated 29.11.2004. If the petitioner does not avail this remedy of revision within two weeks, the respondents are at liberty to proceed further in the matter. There shall be no order as to costs.

N.V.RAMANA, J

Date: 23.12.2004

Note:

Issue C.C. today.

B/o

DA

To

1 The Principal Secretary, Govt. of Andhra Pradesh, Panchayat Raj Department, Secretariat Buildings, Hyderabad.
2 The District Collector (Panchayat Wing) Machilipatnam, Krishna District.

3 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

4 Two CD copies.